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OAHU

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

BACKGROUND:

Act 273, Session Laws of Hawaii 1927 authorized the building of a beach at Waikiki, Oahu, by or under the authority of the Board of Harbor Commissioners. By an agreement dated 1928, the abutting private property owners and the government agreed to the followings:

1. No structures by either the owners or the government on the beach.
2. The public shall be allowed to use a strip of beach measuring 75 feet from the mean highwater mark.
3. The beach shall become and be deemed to be natural accretion attached to the abutting owners, and the title of such beach shall immediately vest in the abutting owners.

By the President Proclamation 1856 dated October 27, 1928, the beach and abutting submerged lands, about 496 acres, were returned to the Territory of Hawaii. The land under this proclamation is between Ala Wai Canal and the Elks Club.

By Land Office Deed (LOD) 13201, the government sold portion of what now is a portion of Hilton Hawaiian Village to the abutting owners, in exchange of the owner's littoral right for the beach fronting the private property. Currently, this area is the lagoon and the surrounding beach fronting Hilton Hawaiian Village, further identified by tax map key: (1)2-7-37:21.

Pursuant to Governor's Executive Order (GEO) No. 1786, the same 496 acres, less portions of lands sold to the abutting owners under Land Office Deed No. 13,201 and other similar deeds, were set aside to the Board of Harbor Commissioners for beach control purpose.

The Governor of the Territory of Hawaii signed GEO No. 1795 to the Board of Harbor Commissioners for the Ala Wai Boat Harbor. Later, by GEO No. 2216, the same area was withdrawn from GEO No. 1795.

Since 1964, tax map key: (1) 2-6-8:29 is leased to Hilton Hawaiian Village for pier purpose under Revocable Permit No. 3528. Further, Land Division has issued revocable permits covering Duke Kahanamoku Beach, which is the subject parcel of this submittal for beach concession purposes. Over the years, all but one revocable permit for beach concession were

terminated. The remaining beach concession revocable permit was converted to a 5-year beach concession contract (C & K Beach Services) commencing June 2005 managed by Land Division.

REMARKS:

To reflect the actual activities currently managed by Land Division, staff believes that the withdrawal of the subject area from GEO No. 1786, which is for beach control purpose, is appropriate.

Although there is no change in the use of the lands, staff solicited comments from:

DHHL	No response
City & County of Honolulu, DPP	No response
City & County of Honolulu, Environmental Services	No response
DBOR	No response
OCCL	No response
LD Project Development	No response
OHA	No response

There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

Approve of and recommend to the Governor issuance of an executive order withdrawing 22.363 acres from Governor's Executive Order No. 1786, subject to:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and

March 24, 2006

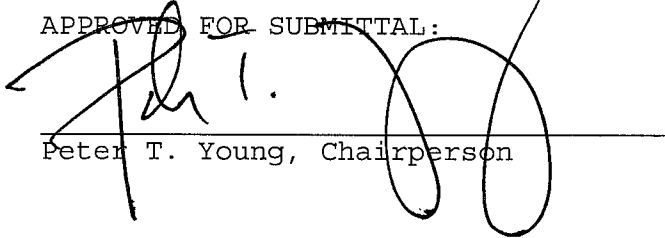
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by Section 91 of the Hawaiian Organic Act, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the uses and purposes of the United States of America.

FOR Beach Control Purposes, to be under the control and management of the Board of Harbor Commissioners.

WAIKIKI BEACH AND OCEAN AREA

Waikiki, Honolulu, Oahu, T.H.

All of that certain area as described in Presidential Proclamation 1856, dated October 27, 1928, remaining after the sale of portions of said area to (a) Bishop Trust Company, Limited, Trustee for Hobron Land Trust, by Deed dated February 27, 1934, recorded in Book 1232 on Pages 57-69 (Land Office Deed 4818), (b) Annie Aulani Paoa Clark, et al, by Deed dated September 25, 1955, recorded in Book 3024 on Pages 235-254 (Land Office Deed 13202), (c) Kaiser Community Homes, by Deed dated September 22, 1955, recorded in Book 3024 on Pages 220-234 (Land Office Deed 13201), (d) Young Choon Lee and Soon Whan Whang Lee, by Deed dated October 1, 1955, recorded in Book 3046 on Pages 421-429 (Land Office Deed 13203), and further amended along the highwater boundary line by decree of the Judge of the Land Court as shown on (1) Land Court Consolidation 32, Map 4, (2) Land Court Application 1716, Map 1, (3) Land Court Application 1715, Map 1, (4) Land Court Application 1653, Map 1, (5) Land Court Application 1677, Map 1, (6) Land Court Application 7, Map 2, (7) Land Court Application 1666, Map 1; and also including all of the area conveyed by Ala Moana Properties, Limited to the Territory of Hawaii by Deed dated December 20, 1956, recorded in the office of the Assistant Registrar of the Land Court in Registration Book 669 on Page 61, covered by Transfer Certificate of Title No. 66616 (Land Office Deed 14117) being portions of the land conveyed by the Territory of Hawaii to Bishop Trust Company, Limited, Trustee for Hobron Land Trust by Deed dated February 27, 1934, recorded in Book 1232 on Pages 57-69, being Item (a) above.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this five day of May, Nineteen Hundred and forty-seven

Samuel Wilder King
Governor of the Territory of Hawaii

Approved as to form:

Richard W. Sharpless
Deputy Attorney General
Checked by: *mhi*

EXHIBIT "B"